

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Brian Eugene Lepley,

Plaintiff,

v.

State of Nevada, et al.,

Defendants.

Case No. 2:16-cv-02848-RFB-DJA

Order

Before the Court is *pro se* Plaintiff Brian Eugene Lepley's motion to initiate discovery (ECF No. 129) and motion for a copy of the Local Rules and to extend copy work (ECF No. 132). Defendants do not oppose Plaintiff's motion to initiate discovery. (ECF No. 134). The Court thus grants Plaintiff's motion to initiate discovery and will enter a separate scheduling order.

Plaintiff previously filed a motion for a copy of the Local Rules, which motion the Court denied for failing to include sufficient facts. (ECF Nos. 130 and 131). Plaintiff's renewed motion explains that, while the High Desert State Prison law library has electronic copies of the Local Rules, the prison has been on lockdown and is experiencing staff shortages, making it impossible for him to visit the library to access the rules. (ECF No. 132 at 1-2). He adds that inmate request forms are not readily available and that he has exceeded his copy work capabilities, adding to his difficulty. (*Id.*). Plaintiff requests a copy of the Local Rules and to extend his copy work by \$50.00. (*Id.*).

Under NDOC Administrative Regulation 722.01(7), copies of legal documents may be made for inmates for a nominal fee. Inmates "can only accrue a maximum of \$100 debt for copy work expenses for all cases, not per case." NDOC Regulation 722.01(7)(E). However, a court may "order a prison to provide limited photocopying when it is necessary for an inmate to provide copies to the court and other parties." *Allen v. Clark Cnty. Det. Ctr.*, 2:10-CV-00857-RLH-GWF, 2011 WL 886343, *2 (D. Nev. Mar. 11, 2011).


1 Here, the Court finds it necessary to extend Plaintiff's copy work limit, given that
2 discovery will soon proceed. The Court therefore grants Plaintiff's request along with his request
3 for a copy of the Local Rules. Plaintiff's copy work limit shall be increased by \$50.00 at this
4 time. If plaintiff exhausts the \$50.00 and requires additional funds, he may file a motion
5 requesting an extension of the limit. Plaintiff is further advised to use his copying privileges
6 sparingly, and to refrain from filing numerous and duplicative motions. Additionally, given the
7 length of the Local Rules, the Court will only provide Plaintiff with certain portions relevant to
8 his civil suit and the table of contents.

9
10 **IT IS THEREFORE ORDERED** that Plaintiff's motion to initiate discovery (ECF No.
11 129) is **granted**. The Court will enter a separate scheduling order.

12 **IT IS FURTHER ORDERED** that Plaintiff's motion for a copy of the Local Rules and
13 to extend copy work (ECF No. 132) is **granted**. Plaintiff's copy work limit is increased by
14 \$50.00. The Clerk of Court is kindly directed to mail Plaintiff the following pages of the Local
15 Rules:

- 16 • Pages i – viii (the table of contents)
- 17 • Pages 1 – 22 (introduction)
- 18 • Pages 37 – 70 (civil practice)

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20 DATED: October 5, 2022

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22 DANIEL J. ALBREGTS
23 UNITED STATES MAGISTRATE JUDGE
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